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9 (Agent for Komir, Inc.) and Komir, Inc.
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12 UNITED STATES BANKRUPTCY COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15
16

17 In re

Case No. 19-30088 (DM)

18 PG&E CORPORATION,

Chapter 11

19 - and -

(Lead Case) (Jointly Administered)

20 PACIFIC GAS AND ELECTRIC
21 COMPANY,

22 Debtors.

- 23 ☐ Affects PG&E Corporation
24 ☐ Affects Pacific Gas and Electric Company
25 ☒ Affects both Debtors
26

**DECLARATION OF SURVEYOR
MICHAEL S. MAHONEY IN SUPPORT
OF MOTION FOR PARTIAL SUMMARY
JUDGMENT OF ISSUES IN
REORGANIZED DEBTORS OBJECTION
TO CLAIM #2090 AND CLAIMANT'S
RESPONSE THERETO**

Date: April 11, 2023

Time: 10:00 a.m.

**Place: (Tele/Videoconference Appearances
Only)**

**United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102**

1 I, Michael S. Mahoney, declare:

2 1. As a Licensed Surveyor,¹ I make this Declaration to identify the Property of Komir,
3 Inc. ("Komir"), as defined below, as being within the lands described as "Parcel 2" in certain
4 pleadings in that condemnation case entitled *THE PEOPLE OF THE STATE OF CALIFORNIA*,
5 *acting by and through the Department of Public Works, Plaintiff, vs. CITY AND COUNTY OF SAN*
6 *FRANCISCO et al.*, San Francisco County Superior court Case No. 175581 (the "Condemnation
7 Case"), by which the State of California (the "State") acquired properties at and around the
8 intersection of Highways 101 and 380 near the San Francisco Airport for freeway construction, and
9 to identify the Property of Komir as having been transferred by the State after its acquisition by
10 condemnation to Komir's predecessor in interest, Niel F. Hildebrand and Melanie M. Hildebrand.
11 Parcel 2, that includes the Komir Property, is also described in the sequential pleadings in the
12 Condemnation Case including the description contained in the Order of Possession (Exhibit 5, page
13 11 of 28, in the Exhibit Compendium), the Final Judgment of Condemnation (Exhibit 6, page 24 of
14 54, in the Exhibit Compendium) and in the Final Order of Condemnation (Exhibit 7, page 13 of 43,
15 in the Exhibit Compendium).

16 2. I am, and for over thirty five (35) years have been, a licensed surveyor holding
17 License No. L5577 issued by the State.

18 3. In or about 2018, I was engaged by Komir, Inc., acting by its officer Amir Shahmirza,
19 to perform a survey of the property commonly known as 800 Walnut Street, San Bruno, California,
20 that is described in the Office of the County Assessor as APN 020-155-030 (the "Property").

21 4. Consistent with the functions of a Land Surveyor as defined in California Business &
22 Professions Code § 8726(e), I investigated the Property by multiple on-site visits, surveyed the
23 Property and placed markers as commonly used by surveyors to mark the critical points or
24 _____

25 ¹ A "Land Surveyor" is defined in the California Business & Professions Code § 8726(e) as a
26 person who "Locates, relocates, establishes, reestablishes, or retraces any property line or boundary of
any parcel of land, right-of-way, easement or alignment of those lines or boundaries."

1 monuments on the property, analyzed the historical chain of title and all documents of title,
2 including the Director's Deed from the State of California to Niel F. Hildebrand and Melanie M.
3 Hildebrand recorded on June 30, 1987, as instrument number 87101925 (copy attached as Exhibit 8
4 to the Exhibit Compendium) and, together with another licensed surveyor in my office, James
5 O'Connell, prepared a Record of Survey 3259.

6 5. After preparing the Record of Survey 3259, I presented that Record of Survey and
7 related documents to the County Surveyor of the County of San Mateo, California, in which the
8 Property is located.

9 6. In order for a Record of Survey to be recordable in the Office of the County Record,
10 the Record of Survey must bear the stamped County Surveyor's Statement attesting to the
11 examination of the survey pursuant to Business & Professions Code §8766 with finding of
12 substantial compliance with the requirements of the content of the Record of Survey as specified in
13 Business & Professions Code §8764.

14 7. The County Surveyor marked the Record of Survey 3259 that I had prepared and
15 submitted to the County Surveyor duly attesting to the requisite examination and compliance and
16 placing the official stamp on the document and rendering the document an official record of the
17 County of San Mateo California.

18 8. The Record of Survey 3259 that I prepared and that the County Survey approved as
19 stated above was recorded in the records of the County Recorder in and for the County of San Mateo
20 on November 18, 2018, at VOL 46, PG 40.

21 9. Pursuant to my examination, I determined that the jurisdictional boundary of the City
22 of San Bruno, California, and the boundary line of the Property, were at the same location such that
23 the drawing of those boundary lines would be drawn one on top of the other. Accordingly, I offset
24 the boundary lines for purposes of display.

25 10. In 2022, for clarification, I prepared an amended Record of Survey No. 3259-A on
26 which I added Note "(N7)" that references the offset location of the boundary line of the Property

1 which is the only revision of the Record of Survey 3259-A.

2 11. I presented the Record of Survey 3259-A to the County Surveyor who again
3 approved the survey, marked the survey with the County Surveyor's Statement, and affixed the
4 official seal and rendered the document an official record of the County of San Mateo California.

5 12. The Record of Survey 3259-A was recorded in the records of the County Recorder in
6 and for the County of San Mateo on May 19th, 2022, at VOL 53, PG 33.

7 13. A true and correct copy of the Record of Survey 3259-A is attached as Exhibit 1 to
8 the Exhibit Compendium in Support of Motion for Partial Summary Judgment of Issues in
9 Reorganized Debtors Objection to Claim #2090 and Claimant's Response Thereto (the "Exhibit
10 Compendium").

11 14. In order to provide visualization of the Property and the interests therein, I prepared a
12 Real Estate Summary Map with Aerial that depicts an aerial photographic representation of the
13 Property that I annotated with markings and text to identify the property and the interests. A copy of
14 the Real Estate Map with Aerial is attached as Exhibit 2 to the State in Support of Motion for Partial
15 Summary Judgment of Issues in Reorganized Debtors Objection to Claim #2090 and Claimant's
16 Response Thereto.

17 15. In addition to the work that I performed as described in my Declaration of Surveyor
18 Michael S. Mahoney in Support of Opposition to Objection to Claim #2090 filed herein on June 28,
19 2022 (Docket No. 12572-2) I subsequently examined additional documents including the following:

- 20 (a) Complaint in Condemnation, copy attached as Exhibit 3 to the Exhibit Compendium.
- 21 (b) Order of Possession, copy attached as Exhibit 5 to the Exhibit Compendium.
- 22 (c) Judgment of Condemnation, copy attached as Exhibit 6 to the Exhibit Compendium.
- 23 (d) Final Order of Condemnation, copy attached as Exhibit 7 to the Exhibit
24 Compendium.
- 25 (e) Director's Deed from the State to Niel F. Hildebrand and Melanie M. Hildebrand,
26 copy attached as Exhibit 10 to the Exhibit Compendium.

1 (f) Plat Map prepared by the State of California, Department of Transportation, copy
2 attached as Exhibit 9 to the Exhibit Compendium, that depicts the location of the
3 Komir Property within Parcel 2. In Exhibit 10, the Komir Property is illustrated by
4 yellow highlighting.

5 16. Each and all of the pleadings described in paragraph 15 above, and the Director's
6 Deed, contain legal descriptions and plat maps that include Komir's Property. On these pleadings
7 and in this Director's Deed, the Property is depicted as being within the lands described as "Parcel
8 2." The specific location of Komir's Property within Parcel 2 is depicted on Exhibits 9 and 10 to the
9 Exhibit Compendium.

10 17. As depicted on Exhibit 9 to the Exhibit Compendium, Komir's Property was a
11 portion of the Property that was the subject of the Complaint in Eminent Domain, the Order of
12 Possession, and the Final Order of Condemnation whereby title to Komir's Property vested in the
13 State upon the recordation of the Final Order of Condemnation. The areas on Exhibit 10 that are
14 marked in yellow depict the parcel owned by Komir and are situated within Parcel 2 as described on
15 the condemnation plat maps.

16 18. As further depicted on Exhibit 8 to the Exhibit Compendium, the State transferred
17 Komir's Property, as part of Parcel 2 acquired by the State by condemnation, to Niel F. Hildebrand
18 and Melanie M. Hildebrand ("Hildebrands"). The Director's Deed to Hildebrands, on the first page
19 immediately preceding the legal description, contains the States' Identification No. DD-038103-01-
20 01 that appears on the plat map attached to the Complaint, Exhibit 5 in the Exhibit Compendium.

21 19. My biographical information is contained on my firm's website at
22 <http://www.pls-corp.com/residential.html>.

23 I have personal knowledge of the facts set forth herein and can competently testify thereto.

24 Executed at San Bruno, California, on the 31st of January, 2023.

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I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.


Michael S. Mahoney